

REMARKS

Prior to entry of this Amendment:

- Claims 1 – 58 were pending in the present application
- Claims 1 – 42, 48, 50, 51, and 57 – 58 stand rejected
- Claims 43 – 47, 49, and 52 – 56 are objected to

Upon entry of this Amendment, which is respectfully requested for the reasons set forth below:

- Claims 1 – 22, 41, 42, 44 – 47, 49, 50, and 52 – 58 will be pending
- Claims 1, 41, 44, 49, 52, and 53 will be amended
- Claims 23 – 40, 43, 48 and 51 will be cancelled
- Claims 59 – 93 will be added

Claim Rejections

Claims 1 – 42, 48, 50, 51, and 57 – 58 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,795,811 (“Epstein”).

Claim Objections

Claims 43 – 47, 49, and 52 – 56 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 1 has been amended to include the limitations of claim 43, and is therefore considered to be allowable.

Claim 49 has been re-written in independent form including all of the limitations of Claim 1 as previously presented and the limitations of cancelled Claim 48, and is therefore considered to be allowable.

Claims 52 and 53 have been re-written in independent form including all of the limitations of Claim 1 as previously presented and the limitations of cancelled Claim 51, and are therefore considered to be allowable.

Dependent Claims 2 – 22, 42, 44 – 47, 50, 54 – 93, are also considered allowable as dependent from allowable independent claims, and further discloses additional limitations.

In view of the above, Applicants respectfully submit that claims 1 – 22, 42, 44 – 47, 49, 50, 52 – 93 are in condition for allowance.

Conclusion

Applicants respectfully submit that, as described above, the cited prior art does not show or suggest the combination of features recited in the claims. Applicants do not concede that the cited prior art shows any of the elements recited in the claims. However, to the extent Applicants have discussed specific elements of the claims, Applicants have merely provided examples of elements in the claims that are clearly not present in the cited prior art.

Applicants strongly emphasize that one reviewing the prosecution history should not interpret any of the examples Applicants have described herein in connection with distinguishing over the prior art as limiting to those specific features in isolation. Rather, Applicants assert that it is the combination of elements recited in each of the claims, when each claim is interpreted as a whole, which is patentable. Applicants have emphasized certain features in the claims as clearly not present in the cited references, as discussed above. However, Applicants do not concede that other features in the claims are found in the prior art. Rather, for the sake of simplicity, Applicants are providing examples of why the claims described above are distinguishable over the cited prior art.

Applicants wish to clarify for the record, if necessary, that the claims have been amended to expedite prosecution and/or explicitly recite that which is already present within the claims as interpreted in view of the specification. Moreover, Applicants reserve the right to pursue the original and/or complimentary subject matter recited in the present claims in a continuation application.

Any claims that have been cancelled are hereby cancelled without prejudice or disclaimer, and Applicants reserve the right to further prosecute these claims in continuing applications. In addition, Applicants have attempted to claim all embodiments disclosed in the present application, and no disclaimer of any embodiments is hereby intended by the presently pending claims.

Any narrowing amendments made to the claims, if any, in the present Amendment are not to be construed as a surrender of any subject matter between the original claims and the present claims; rather merely Applicants' best attempt at providing one or more definitions of

what the Applicants believe to be suitable patent protection. In addition, the present claims provide the intended scope of protection that Applicants are seeking for this application. Therefore, no estoppel should be presumed, and Applicants' claims are intended to include a scope of protection under the Doctrine of Equivalents and/or statutory equivalents, i.e., all equivalents that are substantially the same as the presently claimed invention.

Further, Applicants hereby retract any arguments and/or statements made during prosecution that were rejected by the Examiner during prosecution and/or that were unnecessary to obtain allowance, and only maintain the arguments that persuaded the Examiner with respect to the allowability of the patent claims, as one of ordinary skill would understand from a review of the prosecution history. That is, Applicants specifically retract statements that one of ordinary skill would recognize from reading the file history were not necessary, not used and/or were rejected by the Examiner in allowing the patent application.

Applicants also traverse any "Official Notice," "Design Choice," "Admitted Prior Art" or other alleged prior art that the Examiner purports is well known with respect to the claimed combination of the present invention. Applicants disagree and request the Examiner to provide a prior art reference describing any of these features that the Examiner has not provided a prior art reference or an affidavit under 37 C.F.R. Section 1.104(d)(2) providing details of why it would have been obvious. In the absence of either, Applicants request withdrawal of this rejection for these reasons as well.

For all the reasons advanced above, Applicants respectfully submit that the rejections have been overcome and should be withdrawn.

For all the reasons advanced above, Applicants respectfully submit that the Application is in condition for allowance, and that such action is earnestly solicited.

Authorization

The Commissioner is hereby authorized to charge any additional fees, which may be required for this Amendment, or credit any overpayment to Deposit Account No. 08-0219

In the event that an Extension of Time is required, or which may be required in addition to that requested in a petition for an Extension of Time, the Commissioner is requested to grant a petition for that Extension of Time which is required to make this response timely and is hereby authorized to charge any fee for such an Extension of Time or credit any overpayment for an Extension of Time to Deposit Account No. 08-0219.

Respectfully submitted,

Dated: February 26, 2009

/Irah H. Donner/
Irah H. Donner
Registration No. 35,120
Attorney for Applicant(s)

Wilmer Cutler Pickering Hale and Dorr LLP
399 Park Avenue
New York, NY 10022
TEL (212) 230-8800
FAX (212) 230-8887